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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in Myanmar

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report prepared by Mr. Yozo Yokota, Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar in accordance with paragraph 20 of Commission on Human Rights resolution 1994/85 of 9 March 1994 and Economic and Social Council decision 1994/269 of 25 July 1994.

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ANNEX

Interim report on the situation of human rights in Myanmar prepared by Mr. Yozo Yokota, Special Rapporteur of the Commission on Human Rights, in accordance with Commission resolution 1994/85 and Economic and Social Council decision 1994/269

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I. INTRODUCTION

1. On 9 March 1994, at its fiftieth session, the Commission on Human Rights adopted without a vote resolution 1994/85 entitled "Situation of human rights in Myanmar". In paragraph 20 of the resolution the Commission decided "to extend for one year the mandate of the Special Rapporteur to establish or continue direct contacts with the Government and people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers" and requested him "to report to the General Assembly at its forty-ninth session and to the Commission on Human Rights at its fifty-first session". The present report, which constitutes a preliminary report by the Special Rapporteur, is being presented in accordance with that request. A final report will be submitted to the Commission on Human Rights at its fifty-first session.

2. In resolution 1994/85, the Commission, inter alia: noted with particular concern that the electoral process initiated in Myanmar by the general elections of 27 May 1990 had yet to reach its conclusion; deplored the fact that political leaders remained deprived of their liberty, in particular Nobel Peace Prize laureate Daw Aung San Suu Kyi; expressed its grave concern at the violations of human rights which remained extremely serious, including, in particular, the practice of torture, summary and arbitrary executions, forced labour, including forced portering, abuse of women, politically motivated arrests and detention, forced displacement, important restrictions on the freedoms of expression and association, and the imposition of oppressive measures directed at minority groups; and expressed its concern about the continuous problems created in neighbouring countries by the exodus of refugees from Myanmar.

3. In addition to the above, the Commission took note of the fact that the Government of Myanmar had acceded to the Geneva Conventions of 12 August 1949; signed a Memorandum of Understanding on 5 November 1993 with the Office of the United Nations High Commissioner for Refugees (UNHCR) concerning the voluntary repatriation of refugees from Bangladesh; received the Special Rapporteur for a visit to Myanmar; and observed cease-fires and undertaken negotiations with several minority groups.

4. On 25 July 1994, the Economic and Social Council, in its decision 1994/269, approved Commission resolution 1994/85.

II. CORRESPONDENCE WITH THE GOVERNMENT OF MYANMAR

5. On 10 August 1994, the Special Rapporteur addressed the following letter to the Minister for Foreign Affairs of the Union of Myanmar:

> "I have the honour to refer to Commission on Human Rights resolution 1994/85 of 9 March 1994 by which my mandate as Special Rapporteur on the situation of human rights in Myanmar was extended for a third year. For your convenience, please find attached a copy of resolution 1994/85. As you may be aware, at its most recent session, the Economic and Social Council approved Commission resolution 1994/85 by its decision 1994/269 of 25 July 1994.

"By paragraph 20 of its resolution 1994/85, the Commission called upon the Special Rapporteur 'to establish or continue direct contacts with the Government and people of Myanmar, including political leaders deprived of their liberty'. Paragraph 21 urged 'the Government of Myanmar to cooperate fully and unreservedly with the Commission and the Special Rapporteur and, to that end, to ensure that the Special Rapporteur has effectively free access to any person in Myanmar whom he may deem it appropriate to meet in the performance of his mandate, including Daw Aung San Suu Kyi'.

"Accordingly, I would be most grateful to continue benefiting from the cooperation of your Excellency's Government so that I may provide the Commission and the General Assembly with a comprehensive assessment of the situation of economic, social, cultural, civil and political rights in Myanmar. In this regard, I would wish to visit your country again. Specifically, and keeping in mind the schedule of the General Assembly, I would hope that your Government would agree to my visit at about the same time as last year; may I suggest from 7 to 16 November 1994? Hoping that this would be acceptable to your Excellency's Government, may I also follow upon the suggestion made to me last year in Yangon by one governmental official that, after spending the first days of my visit in Yangon, I might spend some days in the eastern part of your country towards the frontiers? On this last matter especially, I would certainly welcome your specific suggestions. On more general and substantive issues, let me also restate my commitment to endeavouring to accord full consideration to your Government's views and that, as such, I am at your disposal to continue our dialogue about the situation of human rights in Myanmar."

6. On 23 September 1994, the Minister for Foreign Affairs of the Union of Myanmar addressed the following letter to the Special Rapporteur:

"I have the honour to refer to your letter of 10 August 1994, regarding your proposed visit to Myanmar.

"I am pleased to inform you that your proposal is acceptable to the Government of Myanmar. It is indeed our pleasure to welcome you again this year to Myanmar as an expression of our continuing cooperation with the United Nations.

"I am sure that you will have the opportunity once again to observe at first hand the consensus reached for the writing of a firm and enduring Constitution in the national political process, as well as the achievements made in the economic development endeavours.

"I shall once again try my best to make your visit in Myanmar most productive and meaningful."

7. In a letter from the Permanent Representative of the Union of Myanmar to the United Nations Office at Geneva, which accompanied the above letter from the Minister for Foreign Affairs, the Special Rapporteur was informed that the proposed dates for his visit had been tentatively agreed to.

8. On 5 October 1994, the Special Rapporteur addressed the following letter to the Minister for Foreign Affairs of the Union of Myanmar:

"I have the honour to refer to your letter of 23 September 1994, by which you communicated your Government's acceptance of my proposal to visit the Union of Myanmar in November of this year. I am most appreciative of this opportunity to examine first-hand the situation of human rights in your country and to continue in person our dialogue on issues and developments in this regard.

"With respect to the specific itinerary to be followed during my visit to your country in November, I would welcome again the opportunity of meeting with the following officials: Secretary One of the State Law and Order Restoration Council; the Minister of Information; the Attorney-General; the Chief Justice of the Supreme Court; and, of course, your Excellency. In addition, I would welcome the opportunity of meeting with the following persons: leaders of various political parties participating in the National Convention, including the Chairman of the National League for Democracy; representatives of the Myanmar Red Cross Society; and, in fulfilment of paragraph 21 of Commission on Human Rights resolution 1994/85, Daw Aung San Suu Kyi. I would also appreciate the opportunity of visiting again Insein Prison with unrestricted access to all prisoners. Finally, I would greatly appreciate the opportunity of travelling to the eastern part of your country towards the frontiers where I would hope to meet with local authorities, visit a local prison, tour some development or construction sites, and meet with such persons as I may deem relevant to my mandate.

"In keeping with my commitment to endeavouring to accord full consideration to your Government's views on the substantive issues raised in my mandate, including both general and specific allegations of human rights violations by the Government of Myanmar, I submit herewith a summary of allegations received by me in the last year. In addition to the views of your Government concerning the issues raised in the attached summary of allegations, I would appreciate receiving your Government's responses to the following:

"1. Please specify the reasons, including reference to specific legal authority, for keeping Daw Aung San Suu Kyi under house arrest after 20 July 1994, and please indicate precisely when the Government intends to release her.

"2. Please describe in as much detail as possible the present status of Daw Aung San Suu Kyi's physical health.

"3. Please detail the Government's position with regard to maintaining dialogue with Daw Aung San Suu Kyi, indicating the time-frame the Government intends to follow in this regard.

"4. Please describe in as much detail as possible the progress made so far in the National Convention and the drafting of a new constitution, indicating the anticipated schedule for future meetings.

"5. Please indicate whether or not the Burmese version of the Universal Declaration of Human Rights has been distributed to all the delegates to the National Convention.

"In so far as I would like to bring your Government's views on the attached summary of allegations directly to the attention of the General Assembly during its present session, I would be grateful of receiving your Government's comments or specific responses by 31 October 1994. I would also appreciate receiving your Government's responses to the above queries as soon as possible.

"The continuing cooperation of the Government of Myanmar in the fulfilment of my mandate is most appreciated."

III. SUMMARY OF ALLEGATIONS RECEIVED

9. The following is the text of the summary of allegations which the Special Rapporteur submitted to the Government of Myanmar with his letter of 5 October 1994 as indicated above. With due regard to General Assembly resolutions 37/14 C of 16 November 1982 and 47/202 B of 22 December 1992 and Commission on Human Rights resolution 1993/94 of 11 March 1993, concerning, inter alia, the timely submission and circulation of reports, the Special Rapporteur reproduces below the text of his summary of allegations while awaiting receipt of the views of the Government of Myanmar. Immediately upon receipt of the views of the Government of Myanmar, the Special Rapporteur shall submit an addendum to the present report reproducing the aforementioned views in their entirety.

"A. Extrajudicial, summary or arbitrary execution

"1. Numerous communications from non-governmental sources continue to be received by the Special Rapporteur reporting extrajudicial, summary or arbitrary killings of civilians by Myanmar military forces under a variety of circumstances. In the regions of the country with predominantly non-Burman populations and where insurgencies have been taking place, many of the alleged killings are summary executions of civilians who are accused of either being insurgents or collaborating with insurgents. For example, on 5 February 1994, Myanmar Army forces from Division No. 99, Battalion No. 84, reportedly arrested seven men working in a field in Pa'an Township, Thaton District, Karen State; the men were accused of collaborating with the armed Karen insurgents and two of them were executed, while the others were held to ransom and subsequently freed. Many other similar situations include allegations of such severe torture that the victims died as a result. For example, in March 1994 in Pa'an Township, Thaton District, Karen State, soldiers from the Myanmar Army reportedly arrested a 13-year-old boy driving cattle outside his village; the boy was said to have been interrogated, tortured and killed by the Myanmar forces. Other examples of alleged extrajudicial killings include the following: on 10 March 1994, forces of Light Infantry Battalion No. 59 alleged arbitrarily executed Saw Soe Ghaz Htoo (aged 35 years) in Thay Baw village, Lu Thaw Township, Papun (Mudraw) District; on 18 March 1994, forces of Light Infantry Battalion No. 59 also

alleged arbitrarily executed Saw Ko Pa Moo (aged 30 years) in Thu Daz village, Lu Thaw Township, Papun (Mudraw) District; on 20 April 1994, forces of Light Infantry Battalion No. 96 are alleged to have killed the villager Pa Kloh (aged 26 years) and wounded Saw er Ker (aged 20 years) in Paw Ghee Khee village, Thaton District; and on 10 May 1994, in Naw K'Toh village, Thaton District, two villagers (Kyaw Soe Puy, aged 32 years, and Saw Ganoo, aged 35 years) were said to have been arrested and executed by the forces of Light Infantry Battalion No. 76.

"2. Many of the reports from non-governmental sources have also described occasions where soldiers from the Myanmar Army have opened fire with light arms against civilians without any evident provocation. Such situations have frequently been reported in the process of attempts by the Army to arrest and detain civilians for the purposes of forced portering and other labour; as villagers attempt to avoid being arrested or to escape the approaching troops, soldiers are often reported to open fire. In other situations, the Army is reported to have killed civilians who have disobeyed orders from the Army to relocate their homes, to supply goods or provide labour for little or no compensation.

"3. In addition to the above, Myanmar Army troops are reported to take revenge against nearby villages after being attacked by insurgent forces. These collective and arbitrary punishments are often said to include summary executions of civilians present in the area. On 15 December 1993, for example, following an insurgent ambush of Myanmar Army forces near Htee La Nay village, Hlaing Bwe Township, Pa'an District, Karen State, a villager working in a field was reportedly shot on sight. Under similar circumstances in May 1993, two young schoolboys were allegedly shot in Kyint Kyo village, Thaton Township. It has also been reported that, in the beginning of 1994, the regional commanders in Thaton District informed the civilian headmen of the district that, in the future, five villagers would be killed for every soldier who died. However, it is not known whether these reported threats have ever been carried out.

"4. In Shan State, different sources have alleged that, since December 1993, an offensive by the Myanmar Army against Khun Sa and the so-called Ming Tai Army has included air force strikes on civilian villages in the area of the insurgency. For example, on 10 July 1994, Ban Akhu village is reported to have been attacked and two boys are said to have been killed (aged 7 and 14 years) while five other persons were wounded. Whole villages are reported to have been destroyed by the Myanmar Armed Forces because of alleged cooperation with the Ming Tai Army. As in other cases, villagers trying to escape the military forces are said to have been shot on sight upon the suspicion of being insurgents or cooperating with them.

"B. Arbitrary arrest and detention

"5. The Nobel Peace Prize winner, Daw Aung San Suu Kyi, is still being held under prolonged house detention without trial; on 20 July 1994, she passed her fifth anniversary in detention. Seeking her release and return to freedom in Myanmar, including respect for all of her civil and political rights under international law, parliamentarians, non-governmental organizations and

individuals from throughout the world sent thousands of petitions to the United Nations in the last few months.

"6. Although some political prisoners have reportedly been released in the last year from centres of detention in Yangon, reports from different sources describe how an unknown number of civilians continue to be arrested as suspected insurgents (or sympathizers thereto) and how they remain detained in countryside prisons, especially in the regions of the country with predominantly non-Burman populations.

"7. Recently, the following new cases have been brought to the attention of the Special Rapporteur. On 27 May 1994, a Swiss national displayed a banner in front of Yangon City Hall, demanding the release of Daw Aung San Suu Kyi. Seven persons who were passively observing the protest in Yangon are reported to have been arrested by Myanmar intelligence officers.

"8. On 4 July 1994 at Yangon airport, members of Military Branch Three reportedly arrested Khin Zaw Win (a university student) when he tried to board a plane for Singapore. The report indicates that Khin Zaw Win was studying in Singapore and was writing a thesis on the political situation in Myanmar; he had been visiting Myanmar in order to obtain more material for his thesis. Recent reports say that he has been transferred from the Military Intelligence Centre to Insein Prison, and is now being detained in the same cell as a supporter of the National League for Democracy. Khin Zaw Win has allegedly yet to have been charged with any offence.

"9. On 21 July 1994 in Plat Hon Pai section, Kwan Saya village, part of Halockhami refugee camp, soldiers from Infantry Battalion No. 62 of the Myanmar Army attacked the camp, destroying about 50 houses and causing some 500 Mon refugees (recently repatriated from Thailand) to flee again across the Thai border. The soldiers reportedly arrested 19 men, most of whom were camp leaders. The fate of those arrested remains unknown.

"10. On 4 or 5 August 1994 in Yangon, the following persons were reportedly arrested: U Khin Maung Swe (aged 52 years, a prominent dissident Member of Parliament-elect and member of the Central Executive Committee of the National League for Democracy); U Sein Hla Oo (aged 58 years, a journalist and opposition politician); Dr. Htun Myat Aye (a dentist who had apparently worked for the United Nations Children's Fund (UNICEF) at Yangon); Daw San San Tin (a translator who had apparently been working occasionally for UNICEF); and Daw San San Nwe (a writer) and her daughter. It is not known where these persons are being detained, nor what (if any) charges have been brought against them. It is also reported that Khin Maung Swe, U Sein Hla Oo and Daw San San Nwe have all been previously imprisoned by the Government.

"11. Since 1993, many reports from different sources have alleged a widespread practice of arbitrary arrest and detention of persons for ransom, especially in the countryside. Civilians are said to have been rounded up in various public places in both urban and rural communities and held in detention until their relatives could supply a certain sum of money or goods; these detentions are often said to be maintained under the threat that the detainees will be taken as Army porters or be executed should the ransom not be paid.

"12. The information has also reached the Special Rapporteur that, on 15 July 1994 in Insein Prison, Thet Khine died four days after a failed suicide attempt. It has been alleged that the prison authorities placed Thet Khine in the prison's Medical Unit after his attempted suicide, choosing not to take him to a hospital facility outside the Prison; he died in the prison's Medical Unit. Thet Khine was arrested in 1989 and had been sentenced to 20 years' imprisonment together with other political leaders.

"C. Torture and other cruel, inhuman or degrading treatment

"13. Numerous allegations, often in considerable detail, have been received from various sources alleging that forces of the Myanmar military, intelligence and security services and police continue to torture persons in detention or otherwise subject them to cruel, inhuman or degrading treatments and punishments. Such treatment seems to be routinely employed during the interrogation of persons who have been arrested or held on suspicion of real or perceived anti-government activities. Allegations include subjection to severe beatings, shackling, near suffocation, burning, stabbing, rubbing of salt and chemicals in open wounds and psychological torture, including threats of death. Other reported methods of torture include forcing victims to consume large quantities of water or pouring hot liquids down victims noses or throats.

"14. The Special Rapporteur has continued to receive information from many sources indicating that rape occurs on a wide scale; reports of so-called gang rapes by entire groups of Myanmar military personnel are not uncommon. The victims are mostly reported to be women belonging to minority populations, although allegations of homosexual rape have also been received (including, e.g., the written testimony of a 13-year-old boy from Thaton Township, Thaton District, Karen State). Women serving as porters or otherwise as forced labourers are especially vulnerable and are often said to be victims of rape. It is also reported that rape is being used as a punishment for joining indigenous women's groups. Some of the reported rapes are said to have lead to death as a consequence of continuous rape or by infections caused by rape. Reports also describe situations where women who have resisted rape, or screamed during rape, have been killed. Furthermore, rape is also alleged to be used as a method of forcing women from ethnic minorities to marry soldiers from the Myanmar Army; the children of these marriages are subsequently considered to be of Burmese nationality.

"15. An especially severe incident which has been brought to the attention of the Special Rapporteur reportedly occurred on 2 August 1993 in Won Mon village, Won Tse village circle, Laikha Township in Southern Shan State, when Myanmar Army soldiers from Infantry Battalion No. 64 were said to have entered the village in search of a defector: they allegedly arrested 12 women (ages 15 to 35 years) and took them to a nearby farm for interrogation, whereupon the women were gang-raped.

"D. Forced labour

"16. In his 15 August 1994 statement to the United Nations Subcommission on Prevention of Discrimination and Protection of Minorities at its forty-sixth session, Ambassador U Tin Kyaw Hlaing of the Permanent Mission of Myanmar to the United Nations Office at Geneva stressed the following: 'In Myanmar, voluntary contribution of labour to build shrines, temples, roads, bridges, etc. is a long-established tradition going back centuries.' While the Special Rapporteur observes that uncoerced contribution of labour for the public good can hardly be described as a violation of human rights, it is to be noted that numerous reports from a wide variety of sources still characterize most of the contributed labour as being conducted under various threats of violations of personal integrity rights or property rights. In general, reports of such forced labour may be divided into three categories: forced portering, other forced labouring and different kinds of obligatory guard duty.

"17. As has been previously reported by the Special Rapporteur, much of the forced portering in Myanmar has occurred in connection with military campaigns against insurgent forces in various of the states of the Union of Myanmar. Although cease-fire talks between the Government and the main insurgent groups were agreed upon in late 1993 and early 1994, reports on forced portering for the Army still flow in from different sources. For example, in May 1994 the Myanmar Army is said to have arrested hundreds of persons in Tachilek in Shan State in order to use them as Army porters in the battle against Khun Sa and the Ming Tai Army. Porters were reported to have been forcibly recruited from all public places and also from private homes in the areas of Kalaw, Taunggui and Tachilek. Fighting between the Myanmar military and the Ming Tai Army is reported to have been intense with high casualty figures on both sides, including the deaths of many porters caught in the cross-fire. The Myanmar authorities have also reportedly failed to protect civilians from being forced to porter for the Ming Tai Army. Moreover, the Myanmar Army has allegedly regularly been taking internally displaced persons from a camp established by the Myanmar Army at Loi Hsa Htoong near the border with Thailand for purposes of portering military matériel as needed.

"18. Forced portering has been reported especially in the areas of conflict in the Karen, Karenni, Shan and Mon regions. Persons taken for portering are reported to have been rounded up by the military in various places, such as schools, buses and market places. Convicts are also said to be used as Army porters, especially at the front lines of the fighting. Reports indicate that porters are forced, under very poor conditions, to carry heavy loads of Army matériel and supplies for the troops. They are said to be given very small or spoiled food rations, little water and no medical care if ill or wounded. Large numbers of porters are reported to have died from ill-treatment, illness and malnutrition. Irrespective of their condition, those who can no longer respond to the heavy physical demands of portering are reportedly routinely abandoned without food, or simply executed on the spot. Porters who attempt to escape are reportedly shot.

"19. Allegations have also been made that elderly persons, women and children have been taken as Army porters. These persons are often said to be used as human shields in military operations.

"20. Of a similar nature to forced portering in support of military activities, the Special Rapporteur has received information alleging the use of civilian labour, under coercive measures, for other purposes. Reports indicate that villages near Army camps are obliged to supply daily workforces to assist with the construction of Army barracks, fences, land clearance, wood-cutting operations, agricultural projects and other activities in direct support of the Army camps.

"21. In connection with certain large development projects initiated by the Government of Myanmar, some of them with the assistance of foreign aid, it has been alleged that civilians have been forced to contribute non-recompensed labour. Such projects include the building of hospitals, roads, railways, gas pipelines, bridges, and fisheries. Reports indicate that people from villages in the areas of various projects are frequently obligated to contribute their labour and other resources, often under threat of violation of their personal integrity rights.

"22. Many reports of considerable detail have been received alleging a variety of violations of human rights on a massive scale in connection with the construction of a railway between the city of Ye in Southern Mon State and the city of Tavoy in Tenasserim (Taninthari) Division. The Government reportedly began construction of the railway in November 1993. According to reports received, each family from the villages along the line and also from surrounding areas is obliged to supply one worker for 15 days at a time in rotating shifts. Almost all the civilian families in Ye Township, Thanbyuzayat Township and Mudon Township of Mon State, as well as Yebyu Township, Tavoy Township, Launglon Township and Thayet Chaung Township of Tenasserim Division, are said to have been forced to contribute labour for the railway's construction. The workers are reportedly required to bring their own food, provide their own shelter, ensure their own health and medical needs, use their own tools and, in some cases, also supply materials for the construction of the railway. Allegations have also been made that the military supervising the construction of the railway demands money for the use of bulldozers available at construction sites; the fuel needed for use of the bulldozers is also said to be sold by the military. Despite articles in the official government press stating that wages have been paid to local persons participating in ground-levelling and other work associated with the construction of the railway (e.g., an article published in the 31 July 1994 edition of the New Light of Myanmar), reports received consistently estimate that over 100,000 persons have had to contribute their labour for the railway project without any compensation. Elderly persons, children and pregnant women are also reported to have been seen as labourers along the railway. Several persons are also reported to have died from illness and accidents caused by poor conditions at construction sites. Forced labour is said to be concentrated in seven main control centres from Ye to Zimba, namely: Paukpingwin, Kinbun, Natkyizin, Paya Thone Su, Yapu, Kyanor and Zimba. Each of the aforementioned centres is alleged to control 7,000 to 8,000 forced labourers daily. The land along the railway's route is said to have been confiscated from its owners without compensation. Myanmar Army battalions (especially Light Infantry Battalion Nos. 343, 407, 408, 409 and 410, together with regular Infantry Battalion Nos. 61 and 104) are reported to be responsible for the construction of the railway. The railway is expected to be completed sometime during 1996.

"23. As other examples of forced labour allegedly being used in relation to major development projects, information has been received relating to a road project started in December 1993 between Bo Pyin and Lay Nya in Mergui/Tavoy District. Every family from the villages along the road have reportedly to participate in its construction by building 10 feet of the road. Forced labour is also said to be used in the construction of an international airport at Bassein and a new military airfield in Laboutta Township. In addition, many other smaller development projects in urban areas, such as the restoration of tourist sights in Mandalay, are reported to rely upon forced labour.

"24. Another form of forced labour which has been reported to the Special Rapporteur alleges the requirement of lengthy guard duty by civilians along roads and railways in many of the regions where insurgencies have been taking place. Reports indicate that civilians from nearby villages are often required to serve 24 hour guard duties without compensation and on threats of violations of their personal integrity rights. In addition, such 'guard duty' is often said to include contribution of physical labour for reparations to the roads and railroads. Furthermore, some reports allege that civilians used for such duties, in particular women and children, are also required to sweep roads for land-mines; it has been alleged that villagers have been forced to walk or ride in carts in front of military columns in order to 'detect' mines.

"E. Violations of the freedom of movement

"25. Reports continue to be received alleging the forced relocation and internal displacement of persons on a wide scale: in the past six years, it has been estimated that over 1 million persons have been forcibly relocated, without compensation, to new towns, villages or relocation camps or have been internally displaced owing to armed conflict with various insurgent groups. In the regions of the country with predominantly non-Burman populations and where insurgencies have been taking place, the inhabitants of small villages are still said to be forced to relocate to larger villages or to temporary relocation camps for purposes of enabling government forces better to control the populations. In those cases when the inhabitants of a village refuse to relocate, they are said to be first threatened in various ways prior to being forcibly evicted and having their homes destroyed.

"26. Forced relocations and evictions have also been reported in connection with major development projects. According to several non-governmental sources, the gas pipeline project from the Martaban Gulf to Thailand led to the forcible relocation of villages in Mergui/Tavoy District in December 1993: villagers around B'saw Law were allegedly forced to move to Kaleingung; villagers around Shwetapi were allegedly forced to move to Huan Gui; and villagers in the Baw Law Gui area were allegedly forced to move to Ye Byu. All the relocation sites are said to be along a government-controlled road near to the coast.

"27. In connection with the reports of forced relocations of persons' residences, information has been received by the Special Rapporteur that other restrictions are placed on the liberty of movement of relocated persons. For example, some persons are said to have been placed in 'relocation camps' which are surrounded by high fences and guarded by Government forces. Reports allege

that a curfew from 0600 to 1800 hours is in effect in these camps, despite the fact that the official curfew order was lifted by the Government of Myanmar on 10 September 1992. Persons held in the relocation camps, or who are otherwise apparently required to remain within the confines of the villages to which they have been forcibly relocated, are reportedly prohibited from returning to tend to their farms or to collect property which they were forced to leave behind. In some places, persons needing to go outside a village or a camp (e.g., for purposes of work) are reported to need special permission, which is issued for one day at a time against a fee, from the local Army headquarters. In certain rural areas, persons are reportedly prohibited from spending the night in temporary shelters at their farms.

"28. While most reports concerning alleged violations of freedom of movement detail incidents of forced relocation, the Special Rapporteur has also received reports alleging forced assembly and participation in public meetings organized by the Government. Such reports have mostly related to meetings of the Union Solidarity Development Association organized since the beginning of 1994 in different parts of Myanmar (e.g., Toungoo, Monywa, Mandalay and Lokaw). People from the surrounding areas were reportedly forced to attend these meetings under various threats, such as deprivation of electricity or water supplies, monetary fines or physical abuse. Students are said to have been told by their teachers that if they failed to attend the rallies they would each receive 15 lashes of a cane. The Union Solidarity Development Association rally held on 7 February 1994 in Prome town in Pegu District is reported to have been preceded by chaos when large numbers of people who had been brought into a fenced compound the night before were not allowed to leave the compound for purposes of going to the toilet: in the hysteria which accompanied a fight between civilians and security forces, 2 men are reported to have been trampled to death while over 20 other people were said to have been wounded.

"F. Violations of the right to property

"29. Many reports received by the Special Rapporteur allege various kinds of violations of property rights, especially by the Myanmar military forces. These reports include allegations of regular looting of villages in the countryside, the arbitrary and unlawful institution of a wide variety of fees for various purposes and the application of military orders against civilians requiring them to provide specified goods without adequate compensation.

"30. Myanmar Army troops are frequently reported to have entered villages and to have confiscated, without compensation, different kinds of valuables in the forms of non-perishable personal property, food supplies and livestock. Among the goods reportedly confiscated are many items which cannot be said to be necessary for purposes of providing public security, for example women's sarongs, jewellery, tape-recorders and alcohol.

"31. Various kinds of fees are said to be regularly demanded from both individuals and villages as a whole. The most widespread fee is said to be the 'porter fee' which is allegedly demanded each month from every family: in towns, the fees are reported to be about 100 kyats per month, while in the countryside they are reported to be between 200 and 400 kyats per month. Recent

reports have also alleged the application of other kinds of fees, such as 'courier fees' and taxes on tools, carts and other goods. As noted above, villagers in the areas of development projects are also said to be forced to participate in the funding of these projects; fines are also reportedly assessed if a family is unable to supply the demanded amount of forced labour or a minimum amount of demanded goods. People who are unable to pay assessed fees or fines are reportedly threatened with being taken away to be used as Army porters or for other purposes of long term and heavy forced labour.

"32. Reports received in the last several months allege that the Myanmar Army has started to demand 'compensation' from local villagers for vehicles and other military property damaged by land-mines. Fines of 100,000 kyats are said to have been demanded from the village closest to the place of an incident, with 50,000 kyats being demanded from as many as 10 or 12 of the surrounding villages. For example, in Thaton Township a truck was reportedly destroyed by a land-mine on 29 January 1994: the two nearest villages, Tor Klor Khee and Tor Klor Po Khee, were said to have been fined 300,000 kyats by Myanmar Army Infantry Battalion No. 120. Village headmen in Thaton Township have also reportedly been forced to sign documents taking all responsibility for security in the area and to pay fines of 50,000 kyats if shelling by insurgent forces occurs or to pay fines of 100,000 kyats if Army trucks are damaged by land-mines.

"33. Other reported incidents of 'compensation' being required from villagers following loss of property by the military include reports of cases where owners of cattle which have been killed by Army land-mines close to Army camps have had to pay compensation for the destroyed land-mines. In one reported incident, villagers had to pay 'compensation' to members of the Armed forces for the bullets fired at them when, in fear of being taken as porters, the villagers tried to escape the soldiers.

"34. Farmers are also said to have been forced to sell parts of their crops to government-related agencies for prices well below market price, in addition to paying the fixed government tax on these crops. As a result, it has been reported that some farmers no longer cultivate their fields in order to avoid the constant confiscations of their crops or the obligations to sell parts of their crops well below market value. In addition, reports have also described how soldiers sometimes deliberately destroy rice paddies and other crop fields. For example, on 21 February 1994, Light Infantry Battalion No. 32, led by Captain Myo Lwin Thet Lwin, allegedly burned down the houses of four villagers in Taree Hta Gaun village in Kya In Seik Gyi Township, Dooplaya District, destroying in the process the stored crops of rice, betelnut and pepper.

"35. With respect to real property, reports indicate that Myanmar military forces frequently confiscate land in all parts of the country, without paying any compensation. Such confiscations have been reported in relation to the realization of development projects, the creation of State farms, or for the personal benefit of military commanders. For example, in Tacheilek, Shan State, it has been alleged that senior members of the Myanmar Army confiscated paddy fields, divided them into blocks and sold them back to farmers or to officers under their command.

"G. The situation of refugees from Myanmar

"36. According to information received by the Special Rapporteur, approximately 75,000 refugees from Myanmar are estimated to live in camps inside Thailand along the border with Myanmar. An unknown number of persons, possibly as many as 100,000, are said to be internally displaced on the Myanmar side of the border. These persons are reported to have fled their villages in fear of ill-treatment, forced portering, forced labouring or other human rights violations. Some 200,000 Muslim refugees from the northern Rakhine State are still in Bangladesh after fleeing their homes in Myanmar. Many of them reportedly allege that they were forcibly relocated or that their land was confiscated for government construction projects, prawn cultivation or timber projects during 1990-1992.

"37. Recently, thousands of Mon refugees were repatriated from Loh Loe in Thailand to Halockhami inside Myanmar. On 21 July 1994, the refugee camp inside Myanmar was reportedly attacked and partly destroyed by approximately 300 soldiers of the Myanmar Army's Infantry Battalion No. 62 under the command of Deputy Battalion Commander Lt. Col. Ohn Myint. Fifty refugees were said to have been taken hostage by the troops while all the Mon refugees (approximately 5,000 to 6,000 persons) in the camp fled back into Thailand. Although reports indicate that most of the hostages were later released (after allegedly having been used as human shields and porters), 19 of those taken hostage are still believed to be detained."